

22 VAC 40-72-191. Administrator qualifications.

C. The administrator shall be able to perform the duties and carry out the responsibilities required by this chapter.

D. For facilities licensed for residential living care only, the administrator shall:

1. Be a high school graduate or shall have a General Education Development (GED) Certificate;
2. (i) Have successfully completed at least 30 credit hours of postsecondary education from a college or university accredited by an association recognized by the U.S. Secretary of Education or (ii) have successfully completed a department-approved course specific to the administration of an assisted living facility; and
3. Have at least one year of administrative or supervisory experience in caring for adults in a group care facility.

EXCEPTIONS:

1. A nursing home administrator or an assisted living facility administrator licensed by the Virginia Board of Long-Term Care Administrators;
2. A licensed nurse who meets the experience requirements in subdivision 3 of this subsection; or
3. An administrator of an assisted living facility employed prior to December 28, 2006, who met the requirements in effect when employed and who has been continuously employed as an assisted living facility administrator.

E. For facilities licensed for both residential and assisted living care, the administrator shall be licensed as an assisted living facility administrator or nursing home administrator by the Virginia Board of Long-Term Care Administrators pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1 of the Code of Virginia and in conformance with 18 VAC 95-20 or 18 VAC 95-30 respectively.

22 VAC 40-72-200. (Repealed.)

22 VAC 40-72-201. Administrator provisions and responsibilities.

A. Each facility shall have an administrator of record.

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B. When an administrator terminates employment, the facility shall immediately employ a new administrator or appoint a qualified acting administrator so that no lapse in administrator coverage occurs.

1. The facility shall notify the department's regional licensing office in writing within 10 working days of a change in a facility's administrator including, but not limited to, the resignation of an administrator, appointment of an acting administrator, and appointment of a new administrator, except that the time period for notification may differ as specified in subdivision 2 of this subsection.

2. For facilities licensed for both residential and assisted living care, the facility shall immediately notify the Virginia Board of Long-Term Care Administrators and the department's regional licensing office that a new licensed administrator has been employed or that the facility is operating without an administrator licensed by the Virginia Board of Long-Term Care Administrators, whichever is the case, and provide the last date of employment of the previous licensed administrator.

3. For facilities licensed for both residential and assisted living care, when an acting administrator is named, he shall notify the department's regional licensing office of his employment, and if he is intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Virginia Board of Long-Term Care Administrators within 10 days of employment.

4. For facilities licensed for both residential and assisted living care, the acting administrator shall be qualified by education for an approved administrator-in-training program and have a minimum of one year of administrative or supervisory experience in a health care or long-term care facility or have completed such a program and be awaiting licensure.

5. A facility may be operated by an acting administrator for no more than 150 days, or not more than 90 days if the acting administrator has not applied for licensure, from the last date of employment of the licensed administrator.

EXCEPTION: An acting administrator may be granted one extension of up to 30 days in addition to the 150 days, as specified in this subdivision, upon written request to the department's regional licensing office. An extension may only be granted if the acting administrator (i) has applied for licensure as a long-term care administrator pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1 of the Code of Virginia, (ii) has completed the administrator-in-training program, and (iii) is awaiting the results of the national examination. If a 30-day extension is granted, the acting

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administrator shall immediately submit written notice of such to the Virginia Board of Long-Term Care Administrators.

6. A facility may not operate under the supervision of an acting administrator pursuant to §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia more than one time during any two-year period unless authorized to do so by the department.

C. The administrator shall be responsible for the general administration and management of the facility and shall oversee the day-to-day operation of the facility. This shall include, but shall not be limited to, responsibility for:

1. Maintaining compliance with applicable laws and regulations;
2. Developing and implementing all policies, procedures and services as required by this chapter;
3. Ensuring staff and volunteers comply with residents' rights;
4. Maintaining buildings and grounds;
5. Recruiting, hiring, training, and supervising staff; and
6. Ensuring the development, implementation, and monitoring of an individualized service plan for each resident, except that a plan is not required for a resident with independent living status.

D. The administrator shall report to the Director of the Department of Health Professions information required by and in accordance with § 54.1-2400.6 of the Code of Virginia regarding any person (i) licensed, certified, or registered by a health regulatory board or (ii) holding a multistate licensure privilege to practice nursing or an applicant for licensure, certification, or registration. Information required to be reported under specified circumstances includes, but is not limited to, substance abuse and unethical or fraudulent conduct.

E. For facilities licensed for residential living care only, either the administrator or a designated assistant who meets the qualifications of the administrator shall be awake and on duty on the premises at least 40 hours per week with no fewer than 24 of those hours being during the day shift on week days.

EXCEPTIONS:

1. 22 VAC 40-72-220 allows a shared administrator for smaller facilities.

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2. If the administrator is licensed as an assisted living facility administrator or nursing home administrator by the Board of Long-Term Care Administrators, the provisions regarding the administrator in subsection F of this section apply. When such is the case, there is no requirement for a designated assistant.

F. For facilities licensed for both residential and assisted living care, an administrator licensed by the Virginia Board of Long-Term Care Administrators, as specified in 22 VAC 40-72-191 E, shall serve as the on-site agent of the licensee and shall be responsible on a full-time basis for the day-to-day administration and management of the facility, except as provided in 22 VAC 40-72-220.

G. The administrator, acting administrator or, as allowed in subsection E of this section, designated assistant administrator shall not be a resident of the facility.

H. The facility shall maintain a written work schedule of the on-site presence of the administrator and, if applicable, the designated assistant or, as provided for in 22 VAC 40-72-220 and 22 VAC 40-72-230, the manager.

1. Any changes shall be noted on the schedule.

2. The facility shall maintain a copy of the schedule for two years.

22 VAC 40-72-660. Qualifications and supervision of staff administering medications.

must include a minimum of 68 hours of student instruction and training, but need not include the prerequisite for the program or the written examination for registration; or

c. For facilities licensed for residential living care only, the designated assistant administrator, as specified in 22 VAC 40-72-201 E, who is licensed by the Commonwealth of Virginia to administer medications or who has successfully completed a training program approved by the Virginia Board of Nursing for the registration of medication aides. The training program for designated assistant administrators who supervise medication aides, but are not registered medication aides themselves, must include a minimum of 68 hours of student instruction and training, but need not include the prerequisite for the program or the written examination for registration.